



DEP 3 REF

2008 AUG 19 PM 4:46

Nixon & Vanderhye P.C.

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August 18, 2008

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Subject: REQUEST FOR REFUND TO DEPOSIT ACCOUNT

Deposit Account No. 14-1140
Statement Date: July 2008
Date Posted: 07/10
Seq: 45; Posting Ref Text: 10549817
Fee Code: 1401 (\$510.00)
Our Ref.: 124-1134

To whom it may concern:

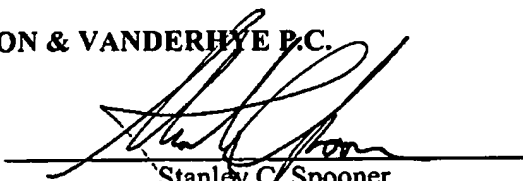
Regarding the Monthly Statement of Deposit Account dated July 31, 2008, (copy attached), we believe there is a fee related error therein, which has resulted in a charge to our Deposit Account that appears to be unwarranted. Please refer to the following explanation and issue a refund as soon as possible.

The \$510.00 Notice of Appeal fee charge under Code 1401 is in error. Applicant previously paid a \$500.00 Notice of Appeal fee on September 6, 2007, without a subsequent decision by the Board of Appeals (see the Notice of Panel Decision mailed October 11, 2007 re-opening prosecution). Accordingly, only a \$10.00 Notice of Appeal fee is required which represents the increased cost of the Notice of Appeal fee. Please credit Deposit Account No. 14-1140 in the amount of \$500.00 to offset the incorrect charge.

Very truly yours,

NIXON & VANDERHYE P.C.

By:


Stanley C. Spooner

SCS:kmm



07/07 44	P115342	101707	1463	\$200.00	\$16
07/07 45	P115343	10-1708	1463	\$200.00	\$16
07/07 46	P115344	10-1709	1463	\$200.00	\$15
07/07 47	P115338	10-1664	1463	\$200.00	\$15
07/07 48	P115319	10-1701	1463	\$200.00	\$15
07/08 6398	10578265	4662-182 BMD	1880	\$180.00	\$15
07/08 10297	2237974	2861-10 FPP	8521	\$40.00	\$15
07/08 10308	78530901	FPP-4040-95	7003	\$100.00	\$15
07/08 76	11130392	2414-76	1253	\$1,050.00	\$14
07/08 13258	2593379	FPP-5293-2	7206	\$100.00	\$14
07/08 13259	2593379	FPP-5293-2	7206	\$200.00	\$15
07/09 10	10522988	124-1104 SCS	1251	\$120.00	\$13
* 07/09 21	76682688	3330-19 FPP	6002	-\$100.00	\$13
07/09 13602	11195590	899-1737	1501	\$1,440.00	\$12
07/09 13603	11106600	830-1737	1504	\$300.00	\$12
07/09 14509	11357027	JHN-10-1517	1801	\$310.00	\$11
07/10 1434	10437298	WFG-4377-13	2253	\$625.00	\$16
07/10 1435	10437298	WFG-4377-13	2401	\$255.00	\$16
07/10 6010	11629995	4662-448 BMD	8021	\$40.00	\$16
07/10 45	10549817	124-1134 SCS	1401	\$510.00	\$9.1
07/10 12782	0510000	FPP-3179-7	7206	\$100.00	\$9.1
07/10 12783	0510999	FPP-3179-7	7201	\$400.00	\$9.1
07/10 13424	11225014	2589-33 HWB	1202	\$600.00	\$8.1
07/11 6	11817049	JHN-4633-26	2632	-\$250.00	\$9.1
07/11 7	11817049	JHN-4633-26	2642	\$200.00	\$8.1
07/11 9270	11237901	4849-2 ML	1252	\$400.00	\$8.1
07/11 25	REPLINSHMENT		9204	-\$20,000.00	\$28
07/11 9635	77519851	3687-251 DJB	7001	\$975.00	\$27
07/11 11250	12141244	JHN-10-1641	1061	\$130.00	\$27
07/11 11329	12141244	JHN-10-1641	8021	\$40.00	\$27
07/14 2172	10583958	4208-34 JRL	1615	\$100.00	\$27
07/14 0232	78591108	DMB-181-TM APP 78591108	7001	\$925.00	\$26
07/14 6430	11406400	2103-134	2251	\$60.00	\$26
07/14 6440	11406400	2103-134	2801	\$405.00	\$26
07/14 7476	12067699	4662-775 BMD	1251	\$120.00	\$26
07/14 7484	12067699	BMD-4882-775	8021	\$40.00	\$26
07/14 1	P115364	101710 JHN	1463	\$200.00	\$26
07/14 1	11357026	JHN-10-1516	1201	\$420.00	\$25
07/14 8425	11277523	JHN-3816-89	1501	\$1,440.00	\$24
07/14 8426	11277523	JHN-3816-89	1504	\$300.00	\$22
07/14 9556	78892819	798-1773 PWA	7004	\$150.00	\$22
07/14 232	11362508	1035-627 HWB	1806	\$180.00	\$22
07/15 13	11244165	723-1742 MJS	1251	\$120.00	\$22
07/15 10961	12166772	2018-2029	8021	\$40.00	\$22
07/15 11055	12134793	2018-2013	8021	\$40.00	\$22
07/15 11099	12170777	2018-2051	8021	\$40.00	\$22
07/15 5	11884730	4208-64 JRL	1615	\$100.00	\$22
07/15 13931	78899139	DMB-181-220	7004	\$150.00	\$22

NIXON VANDERHYE PC Fax 703+816+4100 Sep 6 2007 02:17pm P001/007
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Patent Application of

Atty Dkt. SCS-124-1134

FACSIMILE CERTIFICATE

JENKINS et al.

C# M#

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on September 6, 2007, specifically to 571-273-8300.

Serial No. 10/549,817

TC/A.U.: 2883

Examiner: J. Blevins

Filed: September 19, 2005

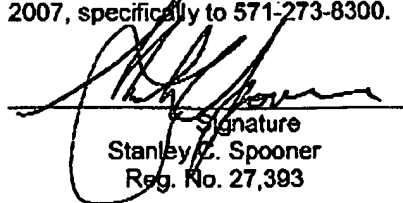
Date: September 6, 2007

Title: OPTICAL WAVELENGTH DIVISION MULTIPLEXER/DEMULTIPLEXER DEVICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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SEP 06 2007


Signature
Stanley C. Spooner
Reg. No. 27,393

No. of pages transmitted (including this cover sheet): 7 pages

Sir:

☐ Correspondence Address Indication Form Attached.

☒ **NOTICE OF APPEAL**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner twice/finally rejecting applicant's claim(s).

\$500.00 (1401)/\$250.00 (2401) \$ 500.00

☐ An appeal BRIEF is attached in the pending appeal of the above-identified application

\$500.00 (1402)/\$250.00 (2402) \$

☐ Credit for fees paid in prior appeal without decision on merits

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☐ A reply brief is attached in triplicate under Rule 41.41

(no fee)

☒ Pre-Appeal Brief Request for Review form attached.

09/07/2007 PCHMP 00000005 141140 10549817
01 FC:1401 500.00 \$

☐ Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$

(less \$120.00 one-month extension fee previously paid)

☐ "Small entity" statement attached.

Less month extension previously paid on

\$()

TOTAL FEE ENCLOSED \$ 500.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge the above-noted fee(s), any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Stanley C. Spooner, Reg. No. 27,393

Signature: 

Adjustment date: 08/20/2008 HDESTA1
09/07/2007 PCHMP 00000005 141140 10549817
01 FC:1401 500.00 CR